

SENATE BILL 2503
By Dixon

AN ACT to amend Tennessee Code Annotated, Title 50, Chapter 6, relative to workers compensation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 50-6-128, is amended by designating the existing language as subsection (a), and by adding the following language as a new subsection (b):

(b) If any employer knowingly, willfully, and intentionally fails to commence temporary total disability benefits in strict compliance with § 50-6-205, then a civil penalty of two hundred dollars (\$200) per day shall be assessed against such employer until the employer commences such benefits. The commissioner of labor and workforce development has the authority to assess and collect such civil penalty.

SECTION 2. Tennessee Code Annotated, Section 50-6-234, is amended by adding the following language as a new subsection to be designated as follows:

(e) Upon a hearing, the trial court is authorized to award the payment of temporary total disability benefits and medical benefits. Upon a determination by the trial court that temporary total disability benefits and/or medical benefits should be commenced or reinstituted, the trial court shall award attorney fees and costs and expenses in addition to accrued temporary total disability benefits and/or medical benefits.

SECTION 3. Tennessee Code Annotated, Section 50-6-205(a), is amended by designating the existing language as subdivision (1) and by adding the following language to be designated as subdivision (2):

(2) Failure of an employer to knowingly, willfully, and intentionally commence temporary total disability benefits in strict compliance with § 50-6-205, shall be punished by a fine in the amount provided in § 50-6-128 until such benefits commence.

SECTION 4. Tennessee Code Annotated, Section 50-6-238, is amended by adding the following language as a new subsection to be designated as follows:

(e) An administrative hearing shall be conducted by a workers' compensation specialist with respect to the initiation or reinstatement of temporary total disability or medical benefits. The workers' compensation specialist shall have authority with the approval of the commissioner to impose penalties for the failure to initiate or reinstate such benefits as well as for the termination of such benefits. Such specialists shall award attorney fees and costs for successful claimants. The commissioner shall promulgate rules and regulations for the conduct of such hearings and the imposition of penalties.

SECTION 5. Tennessee Code Annotated, Section 50-6-236, is amended by adding the following language as a new subsection to be designated as follows:

(m) A workers' compensation specialist shall also be authorized to act as arbitrator in those cases in which the parties have entered into an agreement to arbitrate.

SECTION 6. Tennessee Code Annotated, Section 50-6-239, is amended by adding the following language as a new subsection to be designated as follows:

(d) Upon a hearing, the trial court is authorized to approve an award pursuant to arbitration.

SECTION 7. This act shall take effect July 1, 2004, the public welfare requiring it.